

Appl. No. : 09/611,177
Filed : July 6, 2000

REMARKS

Claims 1-40 are pending in this application. Claims 1-17 were previously canceled and Claims 18, 22, 24, 28 34, 35 and 38 have been amended. Hence, by this paper, Claims 18-40 are presented for further examination.

Objection To the Specification

An amendment was made to the specification to clarify that the term "Figure 8" reflected a pattern of airplane flight, and not a Figure in the application. Accordingly, Applicant respectfully requests withdrawal of this objection.

Rejections Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner has rejected Claims 18, 24, 26, 27, 32-34, 36 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Jenkins in view of Berejik, et al. Applicant respectfully disagrees.

There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. The motivation cannot come from the applicant's specification or invention itself. See Oetiker, 977 F.2d at 1447, 24 USPQ.2d at 1446. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ.2d 1596 (Fed. Cir. 1988). There is no suggestion or motivation in the prior art to combine the teachings of the cited references. Therefore, the art of record has been incorrectly combined in the Office Action, and fails to establish a *prima facie* case of obviousness of the presently claimed invention.

Further, even if the cited references could be combined, the resulting combination would not render the claimed invention obvious to one with ordinary skill in the art at the time of the invention.

The Examiner argues that Berejik, et al. teaches that control modules can be used to modify control signals to a set of predefined performance patterns. While this may be true, Applicant is not claiming a general method of modifying control signals. Rather, Applicants

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claims relate to a method of controlling aircraft flight by reading positioning signals corresponding to a current attitude of an aircraft from a positioning module, and thereafter using such signals to modify the control signals. This is not shown in either Jenkins, or Berejik, et al., and thus the combination of these references would not render the claims obvious.

However, solely to advance prosecution of the above reference application, Applicant has amended the claims to recite that the positioning signal in said aircraft is determined by an accelerometer that measures a directional component of the acceleration of gravity to determine the current attitude of the aircraft. Neither Jenkins nor Berejik, et al. recite the use of an accelerometer. Moreover, the introduction of an accelerometer would not be an obvious modification of either reference since such a component is not used within this art to measure the position of aircraft. Indeed, the position of aircraft are typically measured using a gyroscope, which does not provide the advantages of Applicant's accelerometer.

For example, in order to measure the position of an aircraft using a gyroscope, one must calculate the aircraft's relative position over time as the aircraft travels through space. However, using an accelerometer, Applicants have devised a system that allows one to store a "zero" setting representing level flight for the aircraft, and thereafter measure the pitch and yaw angle of the aircraft as it moves relative to the "zero" setting. For this reason, such an aircraft maintains an actual position relative to its zero setting, and not a relative position. This provides a tremendous advantage over prior systems, and more accurate positioning of the aircraft.

Because there is no suggestion or motivation to combine the references and, even if they were to be properly combined, the combination would not teach all of the elements of the claimed invention, the claimed invention cannot properly be considered obvious. For these reasons the Applicants respectfully request withdrawal of this rejection.

The Examiner also rejected dependent Claims 19-21, 23, 25, 29-31, 35, 39 and 40 further in view of Meyer. Applicants respectfully traverse for the reasons cited above. Since the independent claims are not obvious in view of the cited prior art, the corresponding dependent claims would also not be obvious.

The Examiner also rejected dependent Claims 22, 28 and 38 further in view of Husling. Applicants respectfully traverse for the reasons cited above. Since the independent claims are not obvious in view of the cited prior art, the corresponding dependent claims would also not be obvious.

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Accordingly, the Applicant respectfully submits that Claims 18-40 are now in condition for immediate allowance and such prompt allowance of the same is respectfully requested.

CONCLUSION

The Applicant has endeavored to address all of the concerns of the Examiner in view of the Office Action directed to the above-identified application. Accordingly, amendments to the claims for patentability purposes, the reasons therefore and arguments in support of the patentability of the pending claims are presented above.


In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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